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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 IN RE: UBER TECHNOLOGIES, INC.,  
9 PASSENGER SEXUAL ASSAULT  
10 LITIGATION

11 This Document Relates to:  
12 ALL CASES  
13

Case No. 23-md-03084-CRB

**AFFIDAVIT OF TIFFANY R. ELLIS IN  
SUPPORT OF PLAINTIFFS' LIST OF  
DISPUTED ENTRIES FOR SPECIAL  
MASTER REVIEW**

Judge: Honorable Barbara S. Jones

1 I, Tiffany R. Ellis, hereby declare as follows:

2 1. I am a partner of Peiffer Wolf Carr Kane Conway & Wise, an attorney licensed in  
3 the States of Michigan and Illinois and duly admitted to practice before this Court, representing  
4 Plaintiffs in the above caption action.

5 2. I submit this declaration in support of Plaintiffs' List of Disputed Entries from  
6 Defendants' June 17, 2025, Privilege Log that was submitted for Master Review on June 27,  
7 2025. The Defendants' privilege log was regarding a clawback notice sent on June 17, 2025, that  
8 also contained 21 entries previously logged.

9 3. Plaintiffs incorporate the Discovery Letter Brief Regarding Disputed Entries for  
10 Master Review filed by All Plaintiffs on March 4, 2025. *See* ECF No. 2434. Plaintiffs  
11 incorporate the brief to support the specific reasons each entry on Plaintiffs' List of Disputed  
12 Entries from Defendants' June 17, 2025 Privilege Log was challenged. The Brief included the  
13 general background of the privilege dispute process to date, the legal standard for Plaintiffs  
14 raising challenges to Defendants' privilege log entries, and a general argument for the challenges  
15 Plaintiffs raised.

16 **Uber's June 17, 2025, Privilege Log and Clawback notice**

17 4. On June 17, 2025, Defendants provided a clawback notice containing 53  
18 documents. Additionally, Defendants provided a privilege log concerning 32 of the documents  
19 on the clawback notice.

20 5. On June 22, 2025, Plaintiffs provided the Defendants with a list disputing 29  
21 entries from Defendants' June 17, 2025, clawback notice and privilege log.

22 6. The Parties conferred on June 25, 2025.

23 7. On June 27, 2025, Plaintiffs provided the Master and Defendants with a final list  
24 of 24 disputed entries from Defendants' June 17, 2025, clawback notice and privilege log.

25 8. 18 of the remaining disputed entries are Tranche 1 or Tranche 2 privilege logs. 16  
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entries<sup>1</sup> have Log numbers below 25,735 making them Tranche 1 privilege log entries. 2 entries<sup>2</sup> were logged between entry 35,7366 and 40,028 making them Tranche 2 entries.

9. Judge Cisneros addressed the issue of Defendants attempting to claw back documents that appeared on “Tranche” privilege logs during the April 24, 2025 discovery hearing. “So, essentially if I allow Uber to serve clawback notices as to documents that were de-designated during that process after they had been posted on a privilege log that was then re-reviewed, then we are seriously turning this into a merry-go-round process. And so, I consider those de-designation decisions to be waiver of -- of the privilege assertion.” *See* 4/24/25 H’rg Tr at 9:13–19. Judge Cisneros further stated, “[b]ut at least for the time period in which privilege assertions were withdrawn, documents were de-designated and taken off the privilege log while I was handling the privilege log process and ordering rereviews on multiple occasions, then those privilege assertions are waived and they should not be part of clawback.” *Id.* 10:4–9.

10. Plaintiffs note that no legal advising is being sought in the document’s entirety or noted redactions for the remaining 6 entries. *See* Plaintiffs’ List of Disputed Entries from Defendants’ June 17, 2025, Privilege Log that was submitted for Master Review on June 27, 2025.

Executed this 30th day of June 2025 in Detroit, Michigan.

/s/ Tiffany R. Ellis  
Tiffany R. Ellis

<sup>1</sup> JCCP\_MDL\_PRIVLOG007554, JCCP\_MDL\_PRIVLOG007555, JCCP\_MDL\_PRIVLOG007556, JCCP\_MDL\_PRIVLOG006612, JCCP\_MDL\_PRIVLOG006613, JCCP\_MDL\_PRIVLOG006614, JCCP\_MDL\_PRIVLOG007515, JCCP\_MDL\_PRIVLOG007165, JCCP\_MDL\_PRIVLOG007166, JCCP\_MDL\_PRIVLOG007167, JCCP\_MDL\_PRIVLOG006714, JCCP\_MDL\_PRIVLOG007553, JCCP\_MDL\_PRIVLOG006832, JCCP\_MDL\_PRIVLOG007475, JCCP\_MDL\_PRIVLOG007476, and JCCP\_MDL\_PRIVLOG007513.  
<sup>2</sup> JCCP\_MDL\_PRIVLOG032674 and JCCP\_MDL\_PRIVLOG039302.